

ORDINANCE NO. 2004 - 033

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **SCA 2004-00004 (MILITARY/GATEWAY CLF)**; MODIFYING PAGE 86 OF THE FLUA BY CHANGING APPROXIMATELY 6.21 ACRES GENERALLY LOCATED ON THE EAST SIDE OF MILITARY TRAIL, APPROXIMATELY 1/4 MILE NORTH OF GATEWAY BOULEVARD, FROM COMMERCIAL LOW - OFFICE (CL-O), WITH CONDITIONS TO COMMERCIAL LOW - OFFICE, WITH AN UNDERLYING 8 UNITS PER ACRE (CL-O/8), WITH CONDITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on June 18, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, the Palm Beach County Board of County Commissioners, as  
2           the governing body of Palm Beach County, conducted a public hearing  
3           pursuant to Chapter 163, Part II, Florida Statutes, on September 30,  
4           2004, to review the recommendations of the Local Planning Agency and  
5           to consider adoption of the amendments; and

6           WHEREAS, the Palm Beach County Board of County Commissioners has  
7           determined that the amendment complies with all requirements of the  
8           Local Government Comprehensive Planning and Land Development  
9           Regulation Act.

10          NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
11          COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12           Part I. Amendments to the Future Land Use Atlas of the Land Use  
13           Element of the 1989 Comprehensive Plan

14           The following amendment to the Future Land Use Element's Future  
15           Land Use Atlas is hereby adopted and is attached to this Ordinance:

16           A.     Future Land Use Atlas page 86 is amended as follows:

17           Application No.: SCA 2004-00004 (Military/Gateway CLF)

18           Amendment:               From Commercial Low - Office (CL-O), with  
19                                       conditions to Commercial Low - Office, with  
20                                       an underlying 8 units per acre (CL-O/8),  
21                                       with conditions;

22           General Location:       On the east side of Military Trail,  
23                                       approximately 1/4 mile north of Gateway  
24                                       Boulevard;

25           Size:                     Approximately 6.21 acres;

26           B.     Conditions: This parcel is subject to the following  
27                       conditions:

- 28           1. If developed consistent with the CL-O land use  
29               designation, the following uses shall be prohibited on  
30               the site; Bed & Breakfast, Communication cell sites on  
31               wheels (COWs), laundry services, repair services -  
32               limited, and retail sales - mobile, temporary or transit;  
33           2. If developed consistent with the CL-O land use  
34               designation, restaurant uses on the site shall be limited  
35               to a maximum of 2,500 square feet;  
36           3. There shall be no cellular communication towers allowed

1 on the site;

2 4. The development of the site shall comply with the Boynton  
3 Beach Corridor Design Guidelines; and

4 5. If developed residentially, other than as a CLF,  
5 development must be consistent with the rules governing  
6 the Medium Residential, 5 units per acre (MR-5) category.

7 **Part II. Repeal of Laws in Conflict**

8 All local laws and ordinances applying to the unincorporated area  
9 of Palm Beach County in conflict with any provision of this ordinance  
10 are hereby repealed to the extent of such conflict.

11 **Part III. Severability**

12 If any section, paragraph, sentence, clause, phrase, or word of  
13 this Ordinance is for any reason held by the Court to be  
14 unconstitutional, inoperative or void, such holding shall not affect  
15 the remainder of this Ordinance.

16 **Part IV. Inclusion in the 1989 Comprehensive Plan**

17 The provisions of this Ordinance shall become and be made a part  
18 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
19 Ordinance may be renumbered or relettered to accomplish such, and the  
20 word "ordinance" may be changed to "section," "article," or any other  
21 appropriate word.

22 **Part V. Effective Date**

23 This amendment shall not become effective until 31 days after  
24 adoption. If challenged within 30 days after adoption, this amendment  
25

1 shall not become effective until the state land planning agency or the  
2 Administration Commission, respectively, issues a final order  
3 determining the amendment is in compliance.

4 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm  
5 Beach County, on the 30th day of September, 2004.

6  
7 ATTEST:

8 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

9  
10  
11 By: Linda C. Hickman  
12 Deputy Clerk

By: Karen T. Marcus  
Karen T. Marcus, Chair

13  
14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

15  
16 [Signature]  
17 COUNTY ATTORNEY

18  
19 Filed with the Department of State on the 8 day  
20 of October, 2004.  
21

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## EXHIBIT 1

**Amendment No.:** Military/Gateway CLF (SCA 2004-00004)

**FLUA Page No.:** 86

**Amendment:** From Commercial Low - Office, (CL-O), with conditions to Commercial Low - Office, with an underlying 8 units per acre (CL-O/8), with conditions

**Location:** East side of Military Trail, approximately ¼ mile north of Gateway Boulevard.

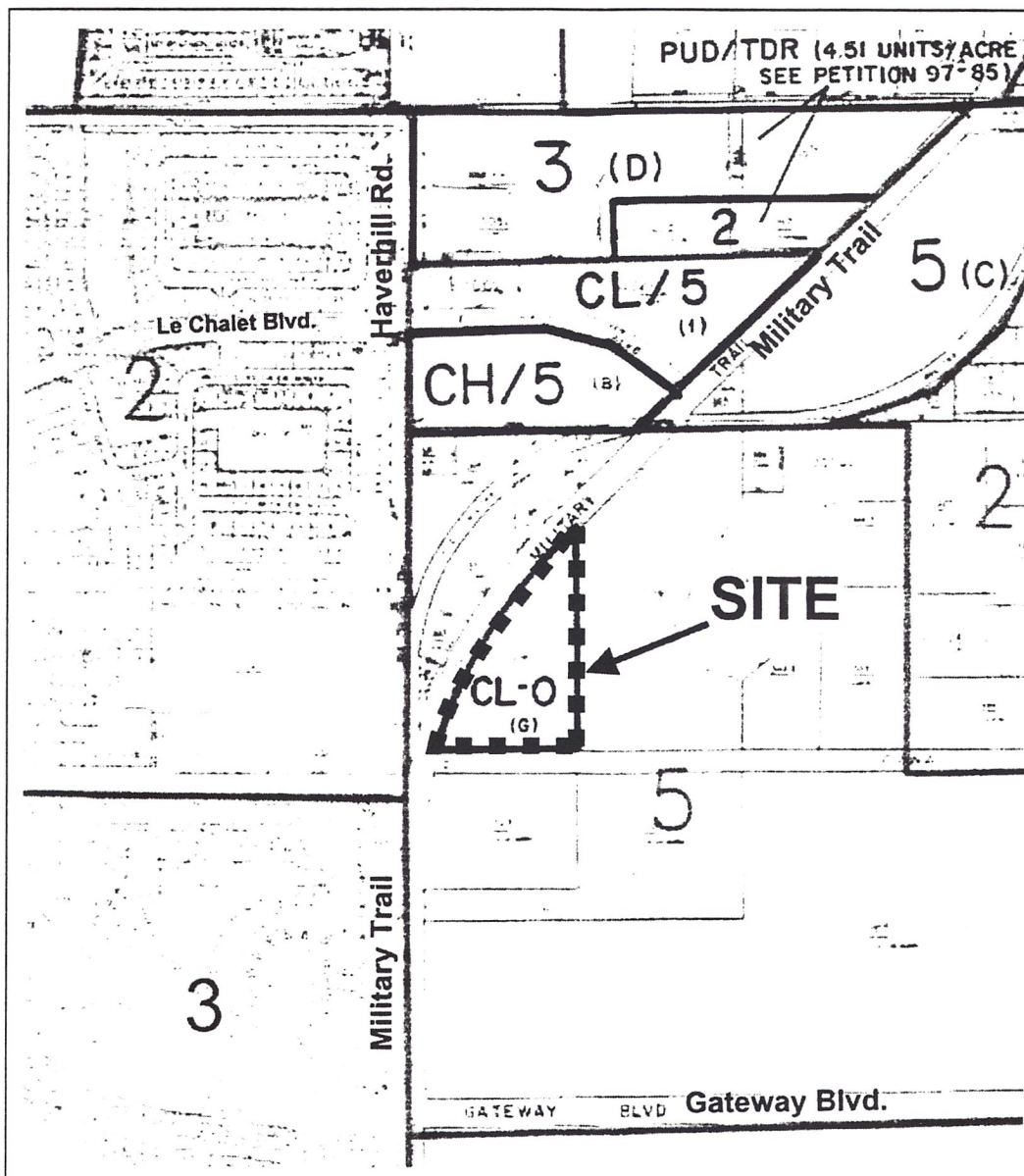
**Size:** Approximately 6.21 acres

**Property No.:** 00-42-45-13-00-000-3050

**Legal Description:** See attached

**Conditions:**

1. If developed consistent with the CL-O land use designation, the following uses shall be prohibited on the site; Bed & Breakfast, Communication cell sites on wheels (COWs), laundry services, repair services – limited, and retail sales – mobile, temporary or transit;
2. If developed consistent with the CL-O land use designation, restaurant uses on the site shall be limited to a maximum of 2,500 square feet;
3. There shall be no cellular communication towers allowed on the site;
4. The development of the site shall comply with the Boynton Beach Corridor Design Guidelines; and
5. If developed residentially, other than as a CLF, development must be consistent with the rules governing the Medium Residential, 5 units per acre (MR-5) category.



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**Legal Description:**

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THAT PART OF THE WEST HALF (W. ½) OF THE SOUTHWEST QUARTER (S.W. ¼) OF THE NORTHWEST QUARTER (N.W. ¼) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (N.W. ¼) OF SAID SECTION 13; THENCE N.89°35'02"E., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (N.W. ¼) OF SAID SECTION 13, A DISTANCE OF 659.63 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF (W. ½) OF THE SOUTHWEST QUARTER (S.W. ¼) OF THE NORTHWEST QUARTER (N.W. ¼) OF SAID SECTION 13; THENCE N.0°54'42"W., ALONG SAID EAST LINE, A DISTANCE OF 40.0 FEET TO A POINT ON A LINE 40.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER (N.W. ¼) OF SAID SECTION 13 AND THE POINT OF BEGINNING; THENCE CONTINUE N.0°54'42"W., ALONG SAID EAST LINE, A DISTANCE OF 852.60 FEET TO A POINT ON THE SOUTH-EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL (STATE ROAD 809); THENCE S.44°29'36"W., ALONG SAID SOUTH-EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 72.75 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 29°03'58" AND A RADIUS OF 1850.08 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 938.54 FEET TO A POINT ON A LINE 40.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER (N.W. ¼) OF SAID SECTION 13; THENCE N.89°35'02"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 528.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.21 ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on September 30, 2004  
DATED at West Palm Beach, FL on 11/2/04  
DOROTHY H. WILKEN, Clerk  
By: Hilma Brown D.C.